

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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ANTWOYN TERRELL SPENCER,

Case No. 22-MC-0028 (PJS)

Petitioner,

v.

ORDER

WARDEN EISCHEN,

Respondent.

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This matter is before the Court on petitioner Antwoyn Spencer's motion for relief from judgment under Fed. R. Civ. P. 60(b)(6). Spencer contends that the Court's denial of his request for authorization to file a new petition for writ of habeas corpus violated his constitutional right of access to the courts.

The motion is denied for three reasons: First, Spencer's real issue is with the filing restrictions that were imposed on him in a different case and which this Court's order merely applied. Second, Spencer could have presented his argument on direct appeal, and he therefore cannot show the exceptional circumstances necessary to justify relief under Rule 60(b)(6). *See Moore v. Sims*, 138 F. App'x 881 (8th Cir. 2005) (per curiam). Finally, Spencer is incorrect on the merits, as courts have the authority to impose filing restrictions on litigants who engage in abusive litigation tactics. *See In re Tyler*, 839 F.2d 1290, 1292–93 (8th Cir. 1988) (per curiam).

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein,  
IT IS HEREBY ORDERED THAT petitioner's motion [ECF No. 11] is DENIED.

Dated: May 17, 2023

s/Patrick J. Schiltz

Patrick J. Schiltz, Chief Judge  
United States District Court